

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

In re the Application of:

DIANA TERREROS CASTILLO,

Petitioner,

v.

FABER CASTILLO,

Respondent.

C.A. No. 08-CV-471 (SLR)

MOTION FOR LEAVE TO AMEND PETITION

Petitioner, Diana Castillo Terreros, through her undersigned counsel, seeks leave pursuant to Federal Rule of Civil Procedure 15 to amend her original Petition For The Return Of Minor Child To Colombia Pursuant To The Hague Convention On The Civil Aspects Of International Child Abduction. In support of her motion, Petitioner states the following:

1. Petitioner filed her original Petition on July 29, 2008, alleging that Respondent had wrongfully retained the parties' minor child when she visited Respondent in Delaware from her home in Colombia, despite the parents' agreement that she would return to Colombia on July 29, 2007. The primary change in the Amended Petition is the addition of facts learned in the past few days when the Petitioner's counsel was finally able to speak with her on the telephone for the first time with the assistance of a translator. After speaking with the Petitioner, it became clear that the Respondent had persuaded the Petitioner to send their daughter for a visit to Delaware under false pretenses, and that those facts give rise to a separate claim for wrongful removal.

2. The Amended Petition thus adds an alternative claim that the Respondent wrongfully removed the parties' daughter from Colombia. As alleged in the Amended Petition, the Respondent obtained permission from the Petitioner for their daughter to come to the United States for a visit during her summer break from school, and he gave a precise date when their daughter would be returned to Colombia a month later. However, as set forth in the Amended Petition, he had in fact planned for several months to keep the parties' daughter in Delaware permanently and had taken steps to that end without the Petitioner's knowledge or consent.

3. The reason for this amendment is to put the Court and opposing counsel on notice of Petitioner's claims in advance of the hearing on Friday to avoid undue surprise. Counsel for the Respondent has stated that he reviewed the Amended Petition with his client and that his client opposes the amendment, however the Respondent has not provided any substantive or legal basis for his opposition.

4. A copy of the Amended Petition is attached hereto as Exhibit "A," and a black-lined copy of the Petition, reflecting the changes made in the Amended Petition, is attached hereto as Exhibit "B."

WHEREFORE, the Petitioner respectfully requests that this Court grant her Motion for Leave to Amend the Petition, and deem filed, as of the date of the Court's order granting this motion, the Amended Complaint attached hereto as Exhibit "A."

STATEMENT PURSUANT TO LOCAL RULE 7.1.1

The undersigned hereby certifies that he has made a reasonable effort to reach agreement with opposing counsel on the matters set forth in this motion, but that no agreement was reached.

DATED: August 25, 2008 DUANE MORRIS LLP

/s/ Matt Neiderman

Matt Neiderman (Del. I.D. No. 4018)

Aimee Czachorowski (Del. I.D. No. 4670)

1100 North Market Street, 12th Floor

Wilmington, Delaware 19801

302.657.4900

*Attorneys for Petitioner Diana Terreros
Castillo*

CERTIFICATE OF SERVICE

I, Matt Neiderman, hereby certify this 25th day of August 2008 that the foregoing document was served as follows on the counsel below by:

E-FILING AND REGULAR MAIL

Andrew W. Gonser, Esq.
3411 Silverside Road
Hagely Building, Suite 203
Wilmington, DE 19810

DUANE MORRIS LLP

/s/ Matt Neiderman
Matt Neiderman (Del. I.D. No. 4018)